

By Senator Hays

20-00416A-12

2012774

1                   A bill to be entitled  
2           An act relating to physician assistants; amending s.  
3           458.307, F.S.; revising the membership of the Board of  
4           Medicine within the Department of Health to include a  
5           member who is a certified physician assistant;  
6           providing for the initial appointment of the certified  
7           physician assistant; amending s. 458.347, F.S.;  
8           deleting the department's requirement to issue a  
9           license authorizing a physician assistant to prescribe  
10          or dispense certain medication; conforming provisions  
11          to changes made by the act; deleting a fee to fund the  
12          licensing of a physician assistant who is authorized  
13          to prescribe or dispense certain medication; amending  
14          s. 459.004, F.S.; revising the membership of the Board  
15          of Osteopathic Medicine within the department to  
16          include a member who is a certified physician  
17          assistant; providing for the initial appointment of  
18          the certified physician assistant; amending s.  
19          459.022, F.S.; deleting the department's requirement  
20          to issue a license to a physician assistant who is  
21          authorized to prescribe or dispense certain  
22          medication; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Subsections (2) and (3) of section 458.307,  
27           Florida Statutes, are amended to read:

28           458.307 Board of Medicine.—

29           (2) Twelve members of the board must be licensed physicians

20-00416A-12

2012774

30 in good standing in this state who are residents of the state  
31 and who have been engaged in the active practice or teaching of  
32 medicine for at least 4 years immediately preceding their  
33 appointment. One of the physicians must be on the full-time  
34 faculty of a medical school in this state, and one of the  
35 physicians must be in private practice and on the full-time  
36 staff of a statutory teaching hospital in this state as defined  
37 in s. 408.07. At least one of the physicians must be a graduate  
38 of a foreign medical school. One member must be a certified  
39 physician assistant who has prescribing privileges and has  
40 worked in this state for at least 4 years. The remaining two  
41 ~~three~~ members must be residents of the state who are not, and  
42 never have been, licensed health care practitioners. One member  
43 must be a health care risk manager licensed under s. 395.10974.  
44 At least one member of the board must be 60 years of age or  
45 older.

46 (3) (a) As the terms of the members expire, the Governor  
47 shall appoint successors for terms of 4 years, and such members  
48 shall serve until their successors are appointed.

49 (b) After July 1, 2012, the Governor shall initially  
50 appoint the certified physician assistant to the board when:

51 1. A member who is not a licensed health care practitioner  
52 vacates his or her position on the board; or

53 2. The term of a member who is not a licensed health care  
54 practitioner expires,

55  
56 whichever occurs first.

57 Section 2. Paragraphs (e) and (f) of subsection (4) of  
58 section 458.347, Florida Statutes, are amended to read:

20-00416A-12

2012774

59 458.347 Physician assistants.—

60 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

61 (e) A supervisory physician may delegate to a fully  
62 licensed physician assistant the authority to prescribe or  
63 dispense any medication used in the supervisory physician's  
64 practice unless such medication is listed on the formulary  
65 created pursuant to paragraph (f). A fully licensed physician  
66 assistant may ~~only~~ prescribe or dispense such medication only  
67 under the following circumstances:

68 1. A physician assistant must clearly identify to the  
69 patient that he or she is a physician assistant. Furthermore,  
70 the physician assistant must inform the patient that the patient  
71 has the right to see the physician before ~~prior to~~ any  
72 prescription is being prescribed or dispensed by the physician  
73 assistant.

74 2. The supervisory physician must notify the department of  
75 his or her intent to delegate, on a department-approved form,  
76 before delegating such authority and notify the department of  
77 any change in prescriptive privileges of the physician  
78 assistant. Authority to dispense may be delegated only by a  
79 supervising physician who is registered as a dispensing  
80 practitioner in compliance with s. 465.0276.

81 3. The physician assistant must file with the department,  
82 before commencing to prescribe or dispense, evidence that he or  
83 she has completed a continuing medical education course of at  
84 least 3 classroom hours in prescriptive practice, conducted by  
85 an accredited program approved by the boards, which course  
86 covers the limitations, responsibilities, and privileges  
87 involved in prescribing medicinal drugs, or evidence that he or

20-00416A-12

2012774

88 she has received education comparable to the continuing  
89 education course as part of an accredited physician assistant  
90 training program.

91 4. The physician assistant must file with the department a  
92 signed affidavit that he or she has completed a minimum of 10  
93 continuing medical education hours in the specialty practice in  
94 which the physician assistant has prescriptive privileges with  
95 each licensure renewal application.

96 5. The department shall issue a ~~license and a~~ prescriber  
97 number to the physician assistant granting authority for the  
98 prescribing of medicinal drugs authorized within this paragraph  
99 upon completion of the foregoing requirements. The physician  
100 assistant is shall not ~~be~~ required to independently register  
101 pursuant to s. 465.0276.

102 6. The prescription must be written in a form that complies  
103 with chapter 499 and must contain, in addition to the  
104 supervisory physician's name, address, and telephone number, the  
105 physician assistant's prescriber number. Unless it is a drug or  
106 drug sample dispensed by the physician assistant, the  
107 prescription must be filled in a pharmacy permitted under  
108 chapter 465 and must be dispensed in that pharmacy by a  
109 pharmacist licensed under chapter 465. The appearance of the  
110 prescriber number creates a presumption that the physician  
111 assistant is authorized to prescribe the medicinal drug and the  
112 prescription is valid.

113 7. The physician assistant must note the prescription or  
114 dispensing of medication in the appropriate medical record.

115 8. This paragraph does not prohibit a supervisory physician  
116 from delegating to a physician assistant the authority to order

20-00416A-12

2012774

117 medication for a hospitalized patient of the supervisory  
118 physician.

119

120 This paragraph does not apply to facilities licensed pursuant to  
121 chapter 395.

122 (f)1. The council shall establish a formulary of medicinal  
123 drugs that a fully licensed physician assistant who has  
124 prescribing authority, ~~licensed~~ under this section or s.

125 459.022, may not prescribe. The formulary must include  
126 controlled substances as defined in chapter 893, general  
127 anesthetics, and radiographic contrast materials.

128 2. In establishing the formulary, the council shall consult  
129 with a pharmacist licensed under chapter 465, but not licensed  
130 under this chapter or chapter 459, who shall be selected by the  
131 State Surgeon General.

132 3. Only the council shall add to, delete from, or modify  
133 the formulary. Any person who requests an addition, deletion, or  
134 modification of a medicinal drug listed on such formulary has  
135 the burden of proof to show cause why such addition, deletion,  
136 or modification should be made.

137 4. The boards shall adopt the formulary required by this  
138 paragraph, and each addition, deletion, or modification to the  
139 formulary, by rule. Notwithstanding any provision of chapter 120  
140 to the contrary, the formulary rule shall be effective 60 days  
141 after the date it is filed with the Secretary of State. Upon  
142 adoption of the formulary, the department shall mail a copy of  
143 such formulary to each fully licensed physician assistant who  
144 has prescribing authority, ~~licensed~~ under this section or s.  
145 459.022, and to each pharmacy licensed by the state. ~~The boards~~

20-00416A-12

2012774

146 shall establish, by rule, a fee not to exceed \$200 to fund the  
147 provisions of this paragraph and paragraph (e).

148 Section 3. Subsections (2) and (3) of section 459.004,  
149 Florida Statutes, are amended to read:

150 459.004 Board of Osteopathic Medicine.—

151 (2) Five members of the board must be licensed osteopathic  
152 physicians in good standing in this state who are residents of  
153 this state and who have been engaged in the practice of  
154 osteopathic medicine for at least 4 years immediately before  
155 prior to their appointment. One member must be a certified  
156 physician assistant who has prescribing privileges and has  
157 worked in this state for at least 4 years. The remaining member  
158 two members must be a citizen ~~citizens~~ of the state who is ~~are~~  
159 not, and ~~have~~ never has been, a licensed health care  
160 practitioner ~~practitioners~~. At least one member of the board  
161 must be 60 years of age or older.

162 (3) (a) As the terms of the members expire, the Governor  
163 shall appoint successors for terms of 4 years, and such members  
164 shall serve until their successors are appointed.

165 (b) After July 1, 2012, the Governor shall initially  
166 appoint the certified physician assistant to the board when:

167 1. A member who is not a licensed health care practitioner  
168 vacates his or her position on the board; or

169 2. The term of a member who is not a licensed health care  
170 practitioner expires,

171  
172 whichever occurs first.

173 Section 4. Paragraph (e) of subsection (4) of section  
174 459.022, Florida Statutes, is amended to read:

20-00416A-12

2012774

175 459.022 Physician assistants.—

176 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

177 (e) A supervisory physician may delegate to a fully  
178 licensed physician assistant the authority to prescribe or  
179 dispense any medication used in the supervisory physician's  
180 practice unless such medication is listed on the formulary  
181 created pursuant to s. 458.347. A fully licensed physician  
182 assistant may ~~only~~ prescribe or dispense such medication only  
183 under the following circumstances:

184 1. A physician assistant must clearly identify to the  
185 patient that she or he is a physician assistant. Furthermore,  
186 the physician assistant must inform the patient that the patient  
187 has the right to see the physician before ~~prior to~~ any  
188 prescription is being prescribed or dispensed by the physician  
189 assistant.

190 2. The supervisory physician must notify the department of  
191 her or his intent to delegate, on a department-approved form,  
192 before delegating such authority and notify the department of  
193 any change in prescriptive privileges of the physician  
194 assistant. Authority to dispense may be delegated only by a  
195 supervisory physician who is registered as a dispensing  
196 practitioner in compliance with s. 465.0276.

197 3. The physician assistant must file with the department,  
198 before commencing to prescribe or dispense, evidence that she or  
199 he has completed a continuing medical education course of at  
200 least 3 classroom hours in prescriptive practice, conducted by  
201 an accredited program approved by the boards, which course  
202 covers the limitations, responsibilities, and privileges  
203 involved in prescribing medicinal drugs, or evidence that she or

20-00416A-12

2012774

204 he has received education comparable to the continuing education  
205 course as part of an accredited physician assistant training  
206 program.

207 4. The physician assistant must file with the department a  
208 signed affidavit that she or he has completed a minimum of 10  
209 continuing medical education hours in the specialty practice in  
210 which the physician assistant has prescriptive privileges with  
211 each licensure renewal application.

212 5. The department shall issue a ~~license and a~~ prescriber  
213 number to the physician assistant granting authority for the  
214 prescribing of medicinal drugs authorized within this paragraph  
215 upon completion of the foregoing requirements. The physician  
216 assistant is ~~shall~~ not ~~be~~ required to independently register  
217 pursuant to s. 465.0276.

218 6. The prescription must be written in a form that complies  
219 with chapter 499 and must contain, in addition to the  
220 supervisory physician's name, address, and telephone number, the  
221 physician assistant's prescriber number. Unless it is a drug or  
222 drug sample dispensed by the physician assistant, the  
223 prescription must be filled in a pharmacy permitted under  
224 chapter 465, and must be dispensed in that pharmacy by a  
225 pharmacist licensed under chapter 465. The appearance of the  
226 prescriber number creates a presumption that the physician  
227 assistant is authorized to prescribe the medicinal drug and the  
228 prescription is valid.

229 7. The physician assistant must note the prescription or  
230 dispensing of medication in the appropriate medical record.

231 8. This paragraph does not prohibit a supervisory physician  
232 from delegating to a physician assistant the authority to order



20-00416A-12

2012774\_\_

233 medication for a hospitalized patient of the supervisory  
234 physician.

235

236 This paragraph does not apply to facilities licensed under  
237 ~~pursuant to~~ chapter 395.

238 Section 5. This act shall take effect July 1, 2012.